

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

RICKY ALLEN MYHRE,

Plaintiff,

v.

Case No. 21-C-996

WISCONSIN DEPARTMENT OF
CORRECTIONS,

Defendant.

ORDER

Plaintiff Ricky Allen Myhre, who is representing himself, is proceeding on a claim that that the Wisconsin Department of Corrections (DOC) failed to comply with the Americans with Disabilities Act and the Rehabilitation Act in connection with closed captioning on pay-per-view movies on inmate tablets. Dkt. No. 6. Discovery closed April 28, 2022; and dispositive motions were due August 1, 2022. Dkt. Nos. 11 & 13. The DOC timely filed a motion for summary judgment on August 1, 2022. Dkt. Nos. 14-17. Plaintiff's materials in response to the motion are currently due October 31, 2022. Dkt. No. 22.

On October 26, 2022, Plaintiff filed his third motion to extend the dispositive motions deadline. *See* Dkt. Nos. 19, 21, & 23. Plaintiff states that, in October 2022, he sent out a letter to the Department of Education, and he made some phone calls to the FCC and NAD, for the purpose of acquiring relevant information for his summary judgment brief. Dkt. No. 23. Plaintiff states that he is still waiting on responses from these entities, so he asks for a 30-day extension of the dispositive motions deadline. *Id.*

As explained in a prior order, *see* Dkt. No. 20, if Plaintiff wanted to extend the dispositive motions deadline, he should have asked for an extension of time *before* the dispositive motions deadline passed on August 1, 2022. *See* Fed. R. Civ. P. 6(b)(1)(A). Plaintiff still has no explanation for why he did not file the request before the August 1 deadline, so he has not established “excusable neglect” to extend the dispositive motions deadline. *See* Fed. R. Civ. P. 6(b)(1)(B). The Court will, however, construe the motion as a request for a 30-day extension of time to file a response to Defendant’s motion for summary judgment. Plaintiff’s deadline to file a response to the motion for summary judgment, Dkt. Nos. 14-17, is extended to **November 30, 2022**.

The Court notes that this is the *third* time Plaintiff is seeking an extension of time based on non-response from the FCC and/or other entities. Dkt. Nos. 19, 21, & 23. Plaintiff is advised to start working on his summary judgment response materials regardless of whether he receives responses from them. Those entities are not defendants in this case; they are not required to respond to Plaintiff; and the Court likely will not give any more extensions of time based on non-response from entities who are not a part of this case.

IT IS THEREFORE ORDERED that Plaintiff’s motion to extend the dispositive motions deadline, which the Court construes as a motion for a 30-day extension of time to file a response to Defendant’s motion for summary judgment (Dkt. No. 23) is **GRANTED**. The deadline to file a response to Defendant’s motion for summary judgment is extended to **November 30, 2022**.

Dated at Green Bay, Wisconsin this 31st day of October, 2022.

s/ William C. Griesbach

William C. Griesbach
United States District Judge